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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,357	03/31/2004	Donald A. Zick	14066.0004	5014

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Stuart T. F. Huang  
Steptoe & Johnson  
1330 Connecticut Avenue, NW.  
BOX PTO  
Washington, DC 20036

EXAMINER	
TOLENTINO, RODERICK	
ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,357	<b>Applicant(s)</b> ZICK, DONALD A.	
	<b>Examiner</b> Roderick Tolentino	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/18/04, 11/04/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1 – 30 are pending.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 5, 9, 11, 15, 19, 21, 25 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "ostensibly" in claim 1, 5, 11, 15, 21 and 25 is a relative term which renders the claim indefinite. The term "ostensibly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

5. As per claims 9, 19, and 29 limitation recites "substantially identical." It is indefinite as to what the term substantially identical is meant to mean. For purposes of examination it will be understood to be not identical values.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by

Nessett et al U.S. Patent No. (6,766,453).

8. As per claim 1, Nessett discloses generating a first secret known to the first device and a second secret known to the second device using communications between the first device and the second device over a first communication channel, said first and second secrets ostensibly being the same, (Nessett, Col. 2 Lines 58 – 67) from the first device, producing first information derived from the first secret (Nessett, Col. 2 Lines 58 – 67), from the second device, producing second information derived from the second secret; using a communication channel other than the first communication channel, comparing the first information and the second information in a manner sufficient to assure a third party that the first secret and the second secret are the same; and enabling the first and second device to use the first and second secrets upon the third party being assured that the first secret and the second secret are the same (Nessett, Col. 3 Lines 1 – 17).

9. As per claims 2, 12 and 22, Nessett discloses the first device and the second device generate the first and second secrets using a Diffie-Hellman key exchange (Nessett, Col. 2 Lines 40 – 57).

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10. As per claims 3, 13 and 23, Nessett discloses the first information is derived from a hash of the first secret; and the second information is derived from a hash of the second secret (Nessett, Col. 7 Lines 18 – 27).

11. As per claims 4, 10, 14, 20, 24 and 30, Nessett discloses the first information comprises a credential (Nessett, Col. 2 Lines 61 – 63).

12. As per claim 5, Nessett discloses communicating a commitment from the first device to the second device over a first communication channel, said commitment comprising information derived from a security value known to the first device (Nessett, Col. 6 Lines 49 – 65), communicating from the second device to the first device over the first communication channel, information for use in generating a first secret, communicating the security value from the first device to the second device, generating the first secret at the first device and a second secret at the second device (Nessett, Col. 2 Lines 58 – 67), said first and second secrets ostensibly being the same from the first device, on a communication channel other than the first communication channel, validating first verification information related to the first secret from the second device, on a communication channel other than the first communication channel, validating second verification information related to the second secret and enabling the first and second devices to use the first and second secrets upon a third party being assured that the first secret and the second secret are the same (Nessett, Col. 3 Lines 1 – 17).

13. As per claims 6, 16 and 26, Nessett discloses the commitment is a hash of the security value (Nessett, Col. 7 Lines 18 – 27).

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14. As per claims 7, 17 and 27, Nessett discloses the first verification information is a hash value derived from the first secret and the security value (Nessett, Col. 7 Lines 18 – 27).

15. As per claims 8, 18 and 28, Nessett discloses the first verification information is a hash value derived from a catenation of the first secret with the security value (Nessett, Col. 7 Lines 23 – 27).

16. As per claim 9, 19 and 29, Nessett discloses the length of the verification information is shorter than a length needed to provide a substantially identical level of security in a substantially identical method that does not utilize said commitment (Nessett, Col. 7 Lines 18 – 26, Hashed).

17. As per claims 11, 15 and 21, Nessett disclose an interface to a first communication channel, an interface to a second communication channel (Nessett, Col. 5 Lines 26 – 29) a registration process (Nessett, Col. 6 Lines 49 – 65), that generates a first secret that is ostensibly shared with the other device using the first communication channel (Nessett, Col. 2 Lines 58 – 67), validates on the second communication channel verification information derived from the ostensibly shared secret, and is enabled to use the ostensibly shared secret upon receipt of an indication that a third party is assured that the first secret is shared with the other device (Nessett, Col. 3 Lines 1 – 17).

18. As per claim 25, Nessett discloses an interface to a first communication channel; an interface (Nessett, Col. 5 Lines 26 – 29) to a second communication channel and a registration process that communicates over the first communication channel a

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commitment comprising information derived from a security value (Nessett, Col. 6 Lines 49 – 65) communicates over the first communication channel information for use in generating a shared secret, communicates the security value over the first communication channel, generates a first secret ostensibly shared with the device; communicates over the second communication channel verification information related to the secret and enables the network to use the first secret upon receipt of an indication that a third party is assured that the first secret is shared with the device (Nessett, Col. 3 Lines 1 – 17).

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacque can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino  
Examiner  
Art Unit 2134

Roderick Tolentino

  
JACQUES LOUIS JACQUES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100